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5                   UNITED STATES DISTRICT COURT  
6                   WESTERN DISTRICT OF WASHINGTON  
7                   AT TACOMA

8                   MATTHEW J. ODEN,

9                   Petitioner,

v.

10                  KARIN ARNOLD,

11                  Respondent.

12                  CASE NO. C25-5235 BHS

13                  ORDER

14                  THIS MATTER is before the Court on Magistrate Judge Brian A. Tsuchida's  
15 Report and Recommendation (R&R), Dkt. 4, recommending the Court deny pro se  
16 petitioner Matthew Oden's application to proceed *in forma pauperis* because he can  
17 afford the filing fee, and deny Oden's § 2254 habeas petition as time barred. Oden pled  
18 guilty to first degree murder in 2006. He seeks to challenge his conviction and sentence  
19 under § 2241, but the R&R correctly explains that "28 U.S.C. § 2254 is the exclusive  
20 vehicle for a habeas relief that is available to him because he is a prisoner serving a  
21 sentence pursuant to a state court conviction and judgment." Dkt. 4 at 2 (citing *White v.*  
22 *Lambert*, 370 F.3d 1002, 1009-10 (9th Cir. 2004), *overruled on other grounds by*  
*Hayward v. Marshall*, 603 F.3d 546 (9th Cir. 2010) (en banc)).

The R&R also explains that Oden can afford the filing fee, and that the limitations period for a habeas petition accrued January 12, 2008, some 17 years before he filed his petition.

A district judge must determine de novo any part of a magistrate judge's proposed disposition *to which a party has properly objected*. It must modify or set aside any portion of the order that is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a). The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3). A proper objection requires “specific written objections to the proposed findings and recommendations” in the R&R. Fed. R. Civ. P. 72(b)(2).

Oden has not objected to the R&R, and it is clear that his habeas petition is time barred. The R&R is **ADOPTED**, and Oden's habeas petition is **DENIED**. The Court will not issue a Certificate of Appealability. The case is **DISMISSED**.

The Clerk shall enter a **JUDGMENT** and close the case.

## **IT IS SO ORDERED.**

Dated this 15 day of April, 2025.

  
BENJAMIN H. SETTLE  
United States District Judge